

AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY

MINUTES OF A PUBLIC HEARING

DATEFebruary 26, 2003
TIME.....7:00 P.M.
PLACECO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Mark Hermodson
Steve Clevenger
Edward Weast
Ralph Webb
Jean Hall
Gary Schroeder

MEMBERS ABSENT

Bruce Junius

STAFF PRESENT

Sallie Fahey
Krista Trout
Michelle D'Andrea
Joanna Grama, Atty.

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 26th day of February 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Ralph Webb moved to approve the minutes of the January 22, 2003 public hearing. Steve Clevenger seconded and the motion was carried by voice vote.

II. NEW BUSINESS

Sallie Fahey informed the Board that **BZA-1629 HAWKINS OUTDOOR ADVERTISING** has been withdrawn by the petitioner, and no further action is needed. She stated that in **BZA-1630—FLAT CREEK RANGE, LLC** condition one will be deleted and conditions two and three will be re-numbered one and two, because a new site plan showing 36 spaces was submitted. She welcomed Gary Schroeder as the new member, replacing Miriam Osborn on both the Area Plan Commission and Area Board of Zoning Appeals. She said that Dan Teder is present and would like to update the Board on the Wildcat Wildlife Center.

Dan Teder, PO Box 280, Lafayette, IN, informed the Board that Carol Blacketer was present and would update the Board on Wildcat Wildlife.

Carol Blacketer, Director of Wildcat Wildlife Center, 5508 Eisenhower Road, Lafayette, IN 47905, stated that everyone has been working very hard on finding a new location and is

excited about the possibility of moving forward. She informed the Board that they have put out a lot of feelers in the form of publicity and newsletters in an effort to find new land. She said that they have received quite a few different types of offers including donations, people who have lost their land and would like the Center to buy it so that they can move their trailer back and live there as overseers, and leasing offers from the Boy Scouts of America, the County Parks Department and the Town of Battle Ground. She mentioned that this past week they have been trying to get out a large publicity article in an attempt to get all of the options out on the table as well as seeking out anyone else with an offer. She stated that over the holidays there was little or no communication from anyone with offers. She said that in the past two months they have really started to get talks underway. She hoped that in the next 60-90 days this matter can be settled so that they can move forward with a site plan. She informed the Board that she has been traveling to similar centers to gain knowledge and ideas of how the Center should be set up and run. She said that they were hoping for a state-of-the-art facility with emphasis on educational programs. She mentioned using grants to help fund the educational aspects. She informed the Board that the busy season was coming up and they hoped to have this settled before then.

Mark Hermodson stated that they would hear from others who wished to speak to this issue before the Board asked questions. He said that the Board hoped that she would obtain adequate land to do what is best for the animals. He mentioned that the possibility of educational facilities was a great idea.

Carol Blacketer said that the educational facility was what they had wanted all along. She pointed out that there are grants available for educational programs, which will ultimately bring their numbers down as well. She thanked the Board for their patience.

Barbara Thompson, 5404 Eisenhower Road, Lafayette, IN, owns adjoining property, stated that she was in favor of what Carol Blacketer is doing and wished her success in finding new land. She said that since the busy season is coming up for the center, she would like some kind of assurance that she would not be weighted down by the additional animals. She mentioned that in the past couple of months she has had to hire someone to vacate her property of unwanted animals because of destruction. She reiterated that she wanted an assurance that the animals were not going to be released near her property the way they have been in the past.

Denise Hayes 2030 East 600 North, West Lafayette, IN, stated that she was the assistant director at the Wildcat Wildlife Center. She said that Barbara Thompson does not need to be concerned about animals being released on her property. She referenced the packet from the original meeting (*August 28, 2002*), which included an application form for release sites. She said that none of the animals are released on-premise, which is 5508 Eisenhower Road. She stated that they all go to private release sites where people want the animals and they help the Center track them and learn from them. She mentioned that tracking these animals lets them know that the animals they raise and rehabilitate can survive as active members of their species. She pointed out that it would not be in the best interest of the animals to release them on-site. She suggested that Barbara Thompson has an over abundance of animals because she lives by the creek in the woods.

Mark Hermodson stated that at this point the Board has already made a decision to give the Center the necessary time to find a new site. He said that this is not the time to be hearing arguments on where the animals are released. He hoped that they would see progress on this in the next 30-60 days.

III. PUBLIC HEARING

Ralph Webb moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the Bylaws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the application to be heard this evening, and responses from the checkpoint agencies. Steve Clevenger seconded and the motion carried by voice vote.

Mark Hermodson waived reading the president's statement regarding hearing procedures due to the small size of the audience.

1. **BZA-1630—FLAT CREEK RANGE, LLC:** Petitioner is seeking a special exception to allow an indoor shooting and archery range (SIC 7999) operating 7 days a week from 9:00 am to 9:00 pm in the I3 zone on Lot 3 in Olympia Industrial Park, located south of Brady Lane and west of Concord Road in the City of Lafayette, Wea 3(SW)22-4. (UZO 3-2) WITH CONDITION.

Ralph Webb moved to hear and vote on the above-described request. Steve Clevenger seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial, site plan and 4 site photos. She mentioned that a new site plan has been submitted showing 36 parking spaces, which voids condition number one on the original report. She said that conditions two and three are now conditions one and two. She read the staff report with recommendation of approval based on the following conditions:

1. Compliance with Section 4.13 of the Lafayette Municipal Code.
2. Construction of the public sidewalk in the Olympia Drive right-of-way prior to issuance of a certificate of occupancy.

Dan Teder, representing the petitioner, stated that Walter Fidler and Rich Winstead were present and available to answer any questions. He said that that most of the vacant lots in the area have been sold, and most of the buildings in the area are used for contractors. He informed the Board that the hours of operation for most of the businesses in the area were 5 a.m. to 6 p.m. even though this area allows operation 24 hours a day 7 days a week. He stated that public streets and utilities were present. He said that the site will have the required 9,000 square feet, 36 parking spaces, landscaping, soundproof building, maximum of 12 employees and lighting that adheres to the ordinance. He mentioned that

there will be a virtual reality screen, 10 shooting ranges, 3 archery ranges and an accessory use for sales and maintenance of firearms and bows and arrows. He stated that there were no objections from any of the neighbors. He informed the Board that they not only have the support of the police department, but they intend to use the facility to train officers since they do not currently have such a program. He asked for approval.

Ralph Webb asked why the petitioner specified hours of operation, when any hours are already permitted at this site.

Dan Teder stated that one of the requirements of a special exception is to look at hours of operation. He explained that they picked hours they thought would be maximum for that business. He reiterated that it does not affect the neighbors and the neighbors do not have any concerns on the topic.

Ralph Webb asked why they would want to restrict it at all if any hours are allowed.

Sallie Fahey explained that any use permitted by right would have unrestricted hours. A special exception requires the petitioner to declare the business hours.

Jean Hall asked if it is approved, would it be restricted to the hours they stated.

Sallie Fahey replied yes, unless they came back for another special exception.

The Board voted by ballot 6 to grant – 0 to deny thus approving the request in **BZA-1630—FLAT CREEK RANGE, LLC.**

2. **BZA-1631—JANE ANN WILSON:** Petitioner is seeking the following two variances to construct a new duplex:
 1. To allow a 50' lot width instead of the required 60' (UZO4-2-1); and
 2. To allow a 14.6' front setback instead of the required 60' (UZO 4-2-2) on property located at 115 W. Fowler St., in the City of West Lafayette, Wabash 19(NE) 23-4.

Ralph Webb moved to hear and vote on the above-described request. Steve Clevenger seconded the motion.

Krista Trout presented slides of the zoning map, aerial, site plan, sketch and four site photos. She read the staff report with recommendation of approval for both requests.

Dan Teder, representing the petitioner, stated that Mike Wilson was present and available to answer any questions. He informed the Board that the proposal was to raze the existing building and build a two-story duplex housing four bedrooms each (eight students) and six parking spaces. He presented pictures to the Board of how the present building looks. He mentioned that student apartments surround it. He explained that the current building has four units, 2-one bedroom, 1-two bedroom and 1-three bedroom. He said that legally 12 students can live there and there is space for 4 cars. He pointed out that the proposal is to improve that by creating more parking and housing fewer students. He stated that a duplex

is appropriate for this neighborhood. He said that the average setback for the houses facing Fowler Ave. and the one house facing east is 14.3 feet. He said that the average setback for only the houses on Fowler Ave. is 12.4 feet. He stated that they concur with the staff's report and asked for approval.

Ralph Webb asked for clarification on the 12 feet that Dan Teder mentioned.

Dan Teder stated that the ordinance refers to the blockface, but in this circumstance, one house faces east. He explained that if only the houses that faced Fowler Ave were counted the average setback would be 12.4. He stressed that they are very close to the street and the proposal is not nearly that close.

Ralph Webb asked for clarification on which houses faced Fowler in the pictures. He asked why the site plan showed a slant.

Several people explained that the road was slanted or curved, and it was not the house that was at an angle to the street.

Jean Hall stated that he was familiar with a couple of the homes in the neighborhood, which housed many students. He mentioned that for the amount of people living in the homes, the electrical system was not very strong. He said that he was happy to see a proposal of this nature for this neighborhood, and hoped they incorporate an adequate electrical system.

The Board voted by ballot 6 to grant –0 to deny thus approving request # 1 in **BZA-1631—JANE ANN WILSON.**

The Board voted by ballot 6 to grant –0 to deny thus approving request # 2 in **BZA-1631—JANE ANN WILSON.**

Mark Hermodson asked if the property was zoned R3U, what would they need.

Krista Trout stated that they would need the first variance, but not the second.

Sallie Fahey stated that it would make sense for West Lafayette to have a U zone or a separate standard for within the University Proximate.

Mark Hermodson asked if some of those options were being discussed during Area Plan's meetings with West Lafayette.

Sallie Fahey stated that the first discussion would be taking place tomorrow, but the subject has been mentioned in previous casual conversation.

Mark Hermodson mentioned that the university district is unique and R3U would fit it better than R3W.

Sallie Fahey pointed out that if R3U was used, there would be a lot of map to amend. She said that if they create a new zone, like R3WU, then there are major sections to write for the new zone. She said that having a separate set of standards within an overlay area, may be the simplest way, if everyone agrees.

Mark Hermodson compared her idea to the Downtown or Courthouse Proximate Area.

Sallie Fahey responded affirmatively.

Mark Hermodson stated that anything that can be done to make projects like this feasible without a whole lot of hassle is good for everyone.

Mark Hermodson stated that unless any member has an objection, the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

IV. ADMINISTRATIVE MATTERS

V. ADJOURNMENT

Ralph Webb moved to adjourn the meeting. Steve Clevenger seconded and the motion carried by voice vote.

The meeting adjourned at 7:45 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Assistant Director